

### **Remarks**

Claims 1-52 are pending in the application.

Claims 1, 3, 33, 48 and 49 have been amended.

Claims 18-30 and 34-47 have been allowed.

Claims 3, 4 and 14 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 3 and 14 have been rewritten in independent form, and claims 3, 4 and 14 have been amended to include all of the limitations of the base claim and any intervening claims. These claims are now believed to be in condition for allowance.

Applicants believe that the Examiner is mistaken in rejecting 53 claims, as there are only 52 claims in the application.

Entry of the foregoing amendments, and reexamination and reconsideration of the present application in light of the foregoing amendments and the following remarks are respectfully requested.

### **35 USC § 102(b) Rejections:**

A. Claims 1, 6-13, 17, 33 and 48-53 have been rejected under 35 U.S.C. §102(b) as being anticipated by Walker et al. (US 6,001,916). The Examiner contends that Walker teaches EVA emulsions used for adhesives. The Examiner also contends that the EVA emulsions are made in the presence of a surfactant and 1-5% polyvinyl alcohol. The Examiner states that these materials are used as coatings so they meet the limitations regarding coated articles, and that coating a substrate with the materials would meet the claim limitations related to making the materials more hydrophilic.

The Examiner does not contend that Walker discloses an adhesive article having a base layer. Specifically, a base layer formed from a polymer film. In this regard, the Examiner did not reject Applicants' original claims 2-5, which specify properties of the base layer. On the other hand, the Applicants' amended claims 1, 33, 48 and 49 now specify an adhesive article having a base layer formed from a polymer film. Accordingly, Walker does not anticipate the adhesive article construction claimed in amended claims 1, 33, 48 and 49.

Since claims 6-13 and 17 depend from claim 1, and claims 50-52 depend from claim 49, Applicants respectfully submit that these claims are also not anticipated by the teachings in Walker et al. Withdrawal of the rejection of Applicant's claims 1, 6-13, 17, 33 and 48-52 as anticipated by Walker et al. is believed to be warranted and is respectfully requested.

B. Claims 1, 7-13, 15, 17 and 48-53 have been rejected under 35 U.S.C. §102(b) as being anticipated by Freidzon (US 5,936,020). The Examiner contends that Freidzon teaches coatings comprising EVA polymerized in the presence of polyvinyl alcohol and surfactant. The Examiner also contends that these coatings comprise additional additives such as de-foamers. The Examiner states that coating a substrate with the materials would meet the claim limitations related to making the materials more hydrophilic.

The Examiner does not contend that Freidzon discloses an adhesive article having a base layer. Specifically, a base layer formed from a polymer film. In this regard, the Examiner did not reject Applicants' original claims 2-5, which specify properties of the base layer. On the other hand, the Applicants' amended claims 1, 48 and 49 now specify an adhesive article having a base layer formed from a polymer film. Accordingly, Freidzon does not anticipate the adhesive article construction claimed in amended claims 1, 48 and 49.

Since claims 7-13, 15 and 17 depend from claim 1, and claims 50-52 depend from claim 49, Applicants respectfully submit that these claims are also not anticipated by the teachings in Freidzon. Withdrawal of the rejection of Applicant's claims 1, 7-13, 15, 17 and 48-52 as anticipated by Freidzon is believed to be warranted and is respectfully requested.

### ***35 USC § 103(a) Rejections:***

A. Claims 2, 5, 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (US 6,001,916) or Freidzon (US 5,936,020). The Examiner contends that the references teach emulsions which can be used as coatings on substrates and that claim 2 encompasses a wide range of polymeric films. The Examiner

also contends that it would have been obvious to one of ordinary skill in the art to have used the coating emulsions taught by Freidzon for coating plastic films in general since EVA has adhesive properties. The Examiner states that it would have been obvious to one of ordinary skill in the art to vary the thickness of the coating and substrate, and to have added a defoamer to the compositions.

Neither Freidzon nor Walker et al. disclose or suggest coating a polymer film as specified in the Applicants' claims 2, 5, 15 and 16 with the high solids emulsions disclosed therein. Neither reference discloses or suggests that such a polymer film could be selected from polycarbonate films, polyacryl films, styrenic polymer films, polyolefin films or polyester films as specified in Applicants' claim 2, or that the film could have a thickness of about 0.5 mils to about 10 mils as specified in Applicants' claim 5. Neither reference provides any motivation to use the emulsions disclosed therein for coating a polymer film. The hydrophilic polymer used in the coatings layer specified in the Applicants' claims 2, 5, 15 and 16, in one embodiment, provides the coating layer with sufficient hydrophilic properties to increase the rate of fluid transport across the coating layer. In contrast, Freidzon and Walker et al. teach high solids, vinyl acetate-ethylene emulsions which are prepared in emulsion form and on removal of the aqueous medium, cure or harden at room temperature to form a bond which is resistant to heat, humidity and water. There is no teaching or suggestion in either Freidzon or Walker et al. of forming a coating layer with hydrophilic properties.

Further, the Examiner states that the thickness of the film and addition of foaming agents go directly to the end use of the film. However, neither Freidzon nor Walker et al. disclose or suggest coating a film. Moreover, the end use of the emulsions disclosed in Freidzon and Walker et al. are different than the end use of the coatings specified in the Applicants' claims 2, 5, 15 and 16. The references teach emulsions having increased solids content to enhance speed of adhesive set, water resistance, and adhesion to difficult-to-bond substrates; whereas, the adhesive article specified in the Applicants' claims 2, 5, 15 and 16 is used to improve fluid transport properties. Since the end uses are different, it would not have been obvious to vary the compositions as suggested by the Examiner.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 5, 15 and 16 under 35 U.S.C. §103(a).

**Conclusion**


In view of the foregoing, Applicants respectfully request reconsideration and a timely issuance of a notice of allowance for claims 1-52.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **AVERP3423USB**.

Respectfully submitted,

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